

## **Family Division**

**Recommendation 1A:** Designate a Family Law case manager in each judicial facility

**Recommendation 8B:** Expand the use of the case manager system

The Family Division will be hiring three new case managers in fiscal year 2008 and one in fiscal year 2009. These positions are a part of the recently passed budget for the new biennium. The new positions will assure the Family Division adequate staff to meet the case management needs of all Family Division locations, including Merrimack County scheduled to open on September 4, 2007 and Strafford County scheduled to open in late January 2008. Caseload size at some Family Division locations does not justify assigning a case manager five days a week.

**Recommendation 2B:** Expand use of audio/video conferencing

The Family Division has begun piloting the use of CourtCall in two of its locations (Plymouth and Salem Family Division) soon to be expanded to six locations. CourtCall is a “private pay service” that allows the court to hold conferences by telephone with lawyers, saving travel time and client costs. All Family Division locations continue audio conferencing using the telephone systems at each courthouse. The drawback to the latter system is sound quality and the limitation that only one party can call in. The CourtCall option resolves both of these difficulties.

**Recommendation 4B:** Evaluate whether staffing levels are adequate to meet current workload demands.

The workload study completed in October 2005, showed the need to add 10 positions to the Family Division. These positions are included in the budget for the new biennium and will assure adequate staffing.

**Recommendation 6:** Examine expansion of legal representation to civil litigants unable to afford counsel

The Family Division has partnered with the Pro Bono Program of the New Hampshire Bar Association and is engaged in a pilot program in Belknap County that will allow pro bono attorneys to be assigned to Family Division cases to handle specific portions of those cases (Unbundled Legal Services). The project will increase access to civil litigants by making legal services available to both parties to an action through pro bono and providing a more time sensitive response to the request for counsel.

**Recommendation 8A:** Permit Unbundled Legal Services

In coordination with the New Hampshire Bar Association and with the assistance of the Chief Justice, the Family Division has created lists of attorneys willing to perform unbundled legal services within each family division jurisdiction. These lists are given to each divorcing couple with children along with an explanation of unbundled legal

services. It is hoped that this will encourage the use of this cost effective way to negotiate the legal system.

**Recommendations 11-14,16:** Review and Expand Alternative Dispute Resolution Programs

All divorces involving children are scheduled to appear before a judge/master within 30 days of the action being started (First Appearance). After the judge/master fully explains the process to those assembled for the First Appearance, each divorcing couple is assigned a mediation date and time. This new process has been very successful in bringing mediation to most divorcing litigants. Recently, the presumptive mediation concept has been expanded to those cases that are brought back to court after a final divorce for a resolution of continuing issues between the parties.

**Recommendation 14:** Require Timely Attendance at Child Impact Seminars

The Family Division has created a pilot program in Portsmouth in which a representative of the Child Impact Seminars attends all First Appearance sessions and is available to enroll the divorcing couple in the next available seminar “at the front end” of the divorce action. It is too early in this pilot to determine its success.

**Recommendation 15:** Support Statewide Expansion of the Family Division

Consistent with the Family Division Implementation Report, Merrimack County will become a Family Division County on September 4, 2007. Staff has been identified from each court level and the process of “converting” the court’s electronic files has begun. Some minor renovations have been required in Hooksett and the Concord District Court has required a reconfiguration, which includes moving the District Court Administrative Office to another location.

In late January 2008, Strafford County will become the eighth Family Division County. There will be two sites in Strafford County, both located in Dover. Meetings between the Family Division Administrator and the clerks and register of the three trial courts have been scheduled to begin the transition process.

**Recommendation 17:** Critically Review Guardian *ad Litem* Use

With the initiation of presumptive mediation in all divorce cases involving children and in “brought forward” cases, the number of guardians *ad litem* being appointed is beginning to drop. Judges and masters have been instructed that a guardian *ad litem* should not be appointed until the court receives word from the mediator that mediation has been unsuccessful.